

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences**

Appellant:	David W. Farchmin	Group Art Unit:	2121
Serial No.:	10/675,535	Examiner:	Jennifer L Norton
Filed:	September 30, 2003	Att'y Docket. No.:	110003.00051.03AB206
Title:	WIRELESS LOCATION BASED AUTOMATED COMPONENTS		

REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated July 23, 2010, Appellant responds as follows:

I. ARGUMENT

The Examiner's response to the Appellant's arguments continue to fail to address each of the Appellant's positions why the claims are not obvious over De Meyer. The Examiner asserts that a combination of embodiments of De Meyer teach the features as claimed. As support, with regard to claim 1, the Examiner quotes seven paragraphs from De Meyer without identifying any specific language in the quoted text that would tend to support any sort of combination to come to the claimed invention. Appellant points out that the general terminology used in De Meyer may suggest a known device, yet a deeper understanding of the De Meyer disclosure clearly indicates that the devices of De Meyer are not the same as, nor could they be combined to come to the claimed invention. As previously provided, "absolutely nothing in De Meyer teaches or even

remotely suggests that the wireless receivers may, should or could be included in stationary interface devices where the interface devices also include at least one of an input device and a display." (Brief, pg. 10, paragraph 3) As provided in the Brief at pg. 11, paragraph 1, any combination of the De Meyer teachings does not provide an interface having at least one of an input device and a display, the interface itself including a wireless receiver, as required by claim 1 and the claims that depend there from.

The Examiner references MPEP section 2123 discussing disclosed embodiments and preferred embodiments. Appellant is not arguing that because De Meyer provides more than one embodiment that one or the other is a teaching away. Instead, Appellant provides specific language where De Meyer indicates a problem - stationary HMIs, and then indicates a solution - mobile HMIs, clearly providing a teaching away from stationary HMIs. (Brief, pg. 11, paragraph 2) In response, the Examiner again quotes seven paragraphs from De Meyer. The Examiner interprets De Meyer to teach that APIs comprising of a wireless receiver "is a stationary human-machine interface (HMI) device comprising an interface that allows a human to directly interface with a machine as taught in the Field of and Background of the Invention section of the De Meyer reference." (Answer, pg. 46, paragraph 1) Yet, as previously identified, De Meyer's device terminology and the device functionality are not consistent in that "AP1 and AP2 (dubbed 'HMI data modules') are not stationary HMI units in the sense that they cannot be used by a system user to directly enter information into the system or to directly receive information about a machine associated with the module." (Brief, pg. 10, paragraph 2)

With respect to claim 66, the Examiner quotes paragraphs [0076] and [0077] of De Meyer for the teaching of a WID that transmits signal strength information. As discussed in detail in the Brief, the Examiner's assertion that De Meyer's emission signals (field strengths) are "signal strength data" signal as defined and claimed in the instant application is incorrect. (see Brief, pg. 13, paragraph 2, through pg. 14, paragraph 3)

Accordingly, reconsideration and reversal of the rejection of the claims is once again respectfully requested.

II. CONCLUSION

For the above-stated reasons, as well as those stated in the Appeal Brief, the Appellant respectfully requests the reversal of the final rejection of claims 1, 3-23, 25-46, 48-54, 56-60, and 62-69 in the instant patent application.

No fees for filing this reply are believed due. However, if any fees are due, they should be charged to Deposit Account No. 17-0055.

Respectfully submitted,

David W. Farchmin

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